

U.S. Bankruptcy Court for the District of Oregon
ECF FILING TIPS FOR THE 2005 BANKRUPTCY ACT

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FILING A NEW BANKRUPTCY PETITION

- If you are representing an individual debtor whose debts are primarily consumer-related, be sure to sign the petition in two places: Exhibit B on page 2 stating that you have made the required 342(b) disclosures to the debtor(s), and Signature of Attorney on page 3. Failure to do so will result in a 5-day deficiency order. If you forget to sign Exhibit B, you may either file an amended petition or use the event **Notice to Debtor under Sec 342(b)** in the Notice category.
- File the Statement of Intent using new LBF #521.05.
- File Form 22A, 22B, and 22C using the events **Chapter 7 Means Test**, **Chapter 11 Statement of Current Monthly Income**, or **Chapter 13 Statement of Currently Monthly and Disposable Income** in the Miscellaneous category. *Do not file supporting documentation to Forms 22A and 22C with the court.* In a Chapter 7 case, file supporting documentation with the U.S. Trustee; in a Chapter 13 case, with the case trustee.
- *Do not file payment advices with the court unless otherwise ordered.* Serve copies on the U.S. Trustee at the time of filing or conversion, and provide them to the case trustee at the 341(a) meeting.
- File the Credit Counseling Certificate and any repayment plan using the applicable box in the Case Upload event or the event **Certificate of Credit Counseling** in the Miscellaneous category. If seeking an exemption, file LBF #100.3 using **Exemption from Credit Counseling** in the Motion Category. File any **Exigent Circumstances re: Credit Counseling** using the event of that name in the Miscellaneous category. LBF #100.3 may also be used to file a motion to **Extend Time for Credit Counseling** (in the Motion category). If granted, you may move for an additional 15 days using **Additional Time to File Credit Counseling** in the Motion category.
- File any supporting documents for an Education IRA as part of the petition. Insert after Schedule B.

- File any Application for the Waiver of the Chapter 7 Filing Fee (Official Form #3B), along with supporting documents, in a single pdf using the event **Waive Chapter 7 Filing Fee** in the Motion category.
- File any details of expenses related to family violence using the event **Expenses Re: FVPSA** in the Miscellaneous category. This is a private event not viewable by anyone other than court personnel. Serve on the U.S. Trustee, and also on the case trustee in a Chapter 12 or 13 cases.
- Any petition which includes a rent deposit in an attempt to cure a monetary default per §362(l) must be filed in paper. The rent deposit must be in the form of a cashier's check or money order made payable to the landlord, and include an envelope addressed to the landlord. See "Rent and Automatic Stay" for more information regarding lessor-tenant events.
- See "Small Business" for requirements regarding Chapter 11 Small Businesses.
- The Court has changed its deadline for addressing critical deficiencies in new case filings from 3 days to 5 days. *Since they receive an immediate NEF on any Order and Notice of Time to File Documents, e-filers will no longer be called by court staff and are strongly advised to be diligent about checking their e-mail from the court.*

FINANCIAL MANAGEMENT AND DOMESTIC SUPPORT CERTIFICATES

- Financial management certificate (Official Form 23) must be filed within 45 days of the first date set for 341(a) meeting. If not filed at that time in a Chapter 7, or when the trustee requests the discharge in a Chapter 12 or 13, a notice will be sent allowing 20 days for filing. *If not filed within the 20 days, the case will be closed without discharge, and a motion to reopen and reopening fee will be required to file the certificate and obtain a discharge.*
- File using the event **Financial Management Course** in the Miscellaneous category.
- Certification re: Payment of Domestic Support Obligations must be filed by every individual debtor in a Chapter 12 or 13 case using LBF #525 within the time frame specified by the Court in a notice sent to the debtor upon completion of payments. *Prematurely filed certifications will be stricken. If not filed within the 20 days specified on the notice, the case will be closed without discharge, and a motion to reopen and reopening fee will be required to file the certificate and obtain a discharge.*
- File using the event **Domestic Support Certificate** in the Miscellaneous category.

NOTICE OF ELECTRONIC FILING/SERVICE OF CREDITORS

- ECF participants who receive an e-mail Notice of Electronic Filing (NEF) will not receive a Bankruptcy Noticing Center (BNC) notice in most instances (a notable exception being the 341(a) notice).
- The NEF for an order or notice produced by the court will now include a link to the document. If the notice is produced by an e-filer docketing an event (e.g., the Order and Notice of Time to File Claims produced by the filing of the Inventory and Report of Assets by the trustee), the link will have a "not yet available" message until the notice is released by the court.
- ECF participants who have opted for the Daily Summary Report rather than notification of each filing will now be listed on the NEF under "Notice will be electronically mailed to:".
- Batch filings will now generate separate NEFs for each case.
- Creditors may register preferred e-mail addresses with the BNC. They may request to override the preferred address in an individual case by filing a request with the court using the event **Notice of Override of Preferred Address 342e** in the Creditor Claimant Entries or

Miscellaneous categories. E-filers may access creditors' preferred addresses by selecting **Creditor Mailing Matrix** in the **Mailings** category under the **Utilities** heading (note that there is a PACER charge for this although a PACER receipt transaction does not display at the time).

REAFFIRMATION AGREEMENTS

- Any reaffirmation agreement must be filed with one of these events in the Miscellaneous category:
 - **Reaffirmation Agreement with Attorney Declaration.** You must use LBF #718.05 coversheet and the LBF #718.5 Reaffirmation Agreement (file in a single pdf). If undue hardship, the case will be set for a discharge hearing.
 - **Reaffirmation Agreement Chpt 13 with Atty Fees.**

RELIEF FROM STAY

- File §362(c)(3) motions to extend the automatic stay using the event **Extend Automatic Stay and Statement as to Good Faith Filing of Case** in the Motion category. The requirements for the filing of these motions are listed in LBF #721.3. After obtaining a hearing date from the Court's website, file the motion and a fully completed notice of hearing (LBF #721.5) as a single pdf.
- File §362(c)(4) motions to impose the automatic stay using the event **Impose Automatic Stay** in the Motion category. The requirements for the filing of these motions are listed in LBF #721.3. After obtaining a hearing date from the Court's website, file the motion and a fully completed notice of hearing (LBF #721.5) as a single pdf.
- File a motion for an order under §362(j) that the automatic stay has either terminated or does not apply using LBF #720.95 and the event **Upload Order - No Separate Motion - Confirming Automatic Stay is Not in Effect** in the Order Upload category.
- See Rent and Automatic Stay for more information regarding Relief from Stay.

RENT AND AUTOMATIC STAY

- File **Lessor's Certificate re: Eviction, Property Endangerment, and/or Controlled Substance Use** per 362(b), 362(m)(1), and 362(m)(3)(B) using the event by that name in Miscellaneous. Debtor may file **Certification of Protection of Property from Damage** using the event by that name in the Miscellaneous category. If debtor objects, debtor must file the objection and Notice of Hearing (LBF #721.5) in a single pdf using the event **Debtor's Objection to Lessor's Certification re: Eviction** in the Miscellaneous category. Applicable requirements are listed in LBF #721.3.
- File **Lessor's Objection to Certification re: Intent to Cure Residential Jgmt** using the event by that name in the Miscellaneous category. The objection must be filed with the Notice of Hearing (LBF #721.5) in a single pdf. Applicable requirements are listed in LBF #721.3.
- File **Certification re: Cure of Residential Judgment** using the event by that name in the Miscellaneous category.

SMALL BUSINESS

- File the **Balance Sheet, Statement of Operations, Cash Flow Statement, and Tax Documents** using the events of those names in the Miscellaneous category. Alternatively, you may file a statement that no documents required by 11 USC 1116(1)(A) have been filed or prepared using the event **Statement No Documents Re: 1116 Filed or Prepared** in the Miscellaneous category.
- In an involuntary, you may file **Statement that Debtor is a Small Business** in the Miscellaneous category.
- File any **Objection to Statement that Debtor is a Small Business** in the Miscellaneous category.